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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER	
HARPER, KEVIN C	
ART UNIT	PAPER NUMBER
2666	

DATE MAILED: 08/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/558,372	KANEVSKY ET AL.	
	Examiner	Art Unit	
	Kevin C. Harper	2666	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *07 September 2004*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-24* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-24* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

Response to Arguments

Applicant's arguments with respect to the Barret reference have been considered but are moot in view of the new ground(s) of rejection.

Applicant's arguments with respect to the DeSchrijver reference have been fully considered but they are not persuasive. Applicant argued that DeSchrijver does not disclose verifying a user based on biometric information. However, the Deschrijver reference discloses verifying a signature of a user to determine the user's identity (col. 6, lines 13-25 and lines 56-67).

Claim Rejections - 35 USC § 102

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-3 are rejected under 35 U.S.C. 102(e) as being anticipated by DeSchrijver (US 6,311,042).

1. Regarding claims 1 and 3, DeSchrijver discloses a method for transmitting biometric image data in a network (abstract; figure 3; col. 3, lines 1-3; col. 4, lines 24-26), comprising the steps of obtaining biometric information for a user (figure 1), obtaining several biometric portions from the biometric data (col. 4, lines 20-24), and transmitting the biometric portions to a destination using plural packets (col. 4, lines 61-64; col. 6, lines 8-13).

2. Regarding claim 2, the user is provided access to a requested service (col. 2, lines 40-46) if the biometric portions match corresponding biometric prototype portions (col. 6, lines 13-25).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1 and 4-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pare, Jr. et al. (US 6,154,879) in view of Barrett (US 5,917,835).

3. Regarding claim 1, Pare discloses a method for transmitting biometric data in a network (fig. 1), comprising the steps of obtaining biometric information for a user (fig. 3, item 12) that verifies the user (col. 9, lines 25-29) and transmits biometric information to a destination using at least one packet (col. 8, lines 51-54; col. 5, lines 32-33). However, Pare does not specifically disclose obtaining portions of the biometric information and transmitting them as packets. Barrett discloses a method of transmitting biometric data in a network (figure 1; col. 2, lines 5-14) comprising obtaining biometric information for a user (figure 2, item 18), obtaining plural biometric portions from the biometric information (figure 3 and figure 4, items 62) and

transmitting the biometric portions to a destination using several data packets (items 68 and 70; col. 6, lines 45-50). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to transmit biometric portions as packets in the invention of Pare in order to compensate for the loss of packets on the network (Barrett, col. 1, lines 29-33; col. 2, lines 5-8).

4. Regarding claim 4, in Pare, the biometric information is speech segments (col. 5, line 23).

5. Regarding claim 5-6, Pare discloses a method for receiving at least one packet of biometric data in a network (fig. 1). The biometric data is used to identify or verify a user (col. 9, lines 25-29). However, Pare does not disclose receiving several packets containing biometric portions. Barrett discloses a method for receiving biometric data in a network (figure 1; col. 2, lines 5-14) comprising the steps of receiving packets containing biometric portions corresponding to a user (figure 10, step 122; note: the user is one who left a voicemail message -- figure 3, item 18 and col. 2, lines 11-12), determining if the received packets provide sufficient data for processing (figure 10, step 130, NO), and evaluating the received packets if they provide sufficient data for processing (figure 10, step 134). The received data packets are interchanged from original packets (figure 4, items 60 and 64, and items 68 and 70) and the received packets are integrated to generate original packets (items 72, 60 and 64). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to transmit biometric portions as packets in the invention of Pare in order to compensate for the loss of packets on the network (Barrett, col. 1, lines 29-33; col. 2, lines 5-8).

6. Regarding claims 7-9, 17, 19, 22 and 24, Pare discloses a method for transmitting biometric data in a network (fig. 1), comprising the steps of obtaining biometric information for

a user (fig. 3, item 12) that verifies the user (col. 9, lines 25-29) and transmits biometric information to a destination using at least one packet (col. 8, lines 51-54; col. 5, lines 32-33). However, Pare does not specifically disclose obtaining portions of the biometric information and transmitting them as packets. Barrett discloses a system (figure 1, item 12) that includes a memory for storing computer-readable code and a processor for executing the computer-readable code (col. 4, lines 45-48). The computer-readable code (col. 5, lines 49-54) is configured to obtain two packets containing frames of data (figure 4, items 60 and 64), generate N interchanged packets by placing every Nth frame of data in a given interchanged packet (figure 4, items 68 and 70; col. 6, lines 45-50 and 55-61) and transmit the interchanged packets to a destination (item 72). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to transmit biometric portions as packets in the invention of Pare in order to compensate for the loss of packets on the network (Barrett, col. 1, lines 29-33; col. 2, lines 5-8).

7. Regarding claim 10, in Pare, the data includes telephone data (col. 8, lines 53-54).

8. Regarding claim 11, the limitations of this claim have been addressed in the rejection of claims 5 and 6 above.

9. Regarding claims 12-14, Pare discloses a method for transmitting biometric data in a network (fig. 1), comprising the steps of obtaining biometric voice information for a user (fig. 3, item 12; col. 5, line 23) that verifies the user (col. 9, lines 25-29) and transmits biometric information to a destination using at least one packet (col. 8, lines 51-54; col. 5, lines 32-33). However, Pare does not specifically disclose obtaining portions of the biometric information and transmitting them as packets. Barrett discloses a method for transmitting data to a destination in

a packet network (figure 1) comprising the steps of obtaining frames of data for transmission (figure 4, items 60 and 64), generating N interchanged packets by placing every Nth frame of data in a given interchanged packet (figure 4, items 68 and 70; col. 6, lines 45-50 and 55-61), and transmitting the interchanged packets to a destination (figure 4, item 72), where the transmitted data includes biometric data such as voice (col. 2, lines 5-14). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to transmit biometric portions as packets in the invention of Pare in order to compensate for the loss of packets on the network (Barrett, col. 1, lines 29-33; col. 2, lines 5-8).

10. Regarding claims 15 and 20, Pare discloses a system for transmitting biometric data in a network (fig. 1) that verifies the user (col. 9, lines 25-29) using at least one packet (col. 8, lines 51-54; col. 5, lines 32-33). However, Pare does not specifically disclose obtaining portions of the biometric information and transmitting them as packets. Barrett discloses a system of transmitting biometric data in a network (figure 1; col. 2, lines 5-14). The system includes a memory that stores computer-readable code and a processor for executing the computer-readable code (col. 4, lines 45-48). The computer-readable code (col. 5, lines 49-54) is configured to obtain biometric information for a user (figure 2, item 18), obtain plural biometric portions from the biometric information (figure 3 and figure 4, items 62) and transmit the biometric portions to a destination using several data packets (items 68 and 70; col. 6, lines 45-50). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to transmit biometric portions as packets in the invention of Pare in order to compensate for the loss of packets on the network (Barrett, col. 1, lines 29-33; col. 2, lines 5-8).

11. Regarding claims 16 and 21, Pare discloses a system for transmitting biometric data in a network (fig. 1) that verifies the user (col. 9, lines 25-29) using at least one packet (col. 8, lines 51-54; col. 5, lines 32-33). However, Pare does not specifically disclose obtaining portions of the biometric information and transmitting them as packets. Barrett discloses a system of receiving biometric data in a network (figure 1; col. 2, lines 5-14). The system includes a memory that stores computer-readable code and a processor for executing the computer-readable code (col. 4, lines 66-67). The computer-readable code (col. 5, lines 49-54) is configured to receive packets containing biometric portions corresponding to a user (figure 10, step 122; note: the user is one who left a voicemail message -- figure 2, item 18 and col. 2, lines 11-12), determine if the received packets provide sufficient data for processing (figure 10, step 130, NO), and evaluate the received packets if they provide sufficient data for processing (figure 10, step 134). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to transmit biometric portions as packets in the invention of Pare in order to compensate for the loss of packets on the network (Barrett, col. 1, lines 29-33; col. 2, lines 5-8).

12. Regarding claims 18 and 23, Pare discloses a system for transmitting biometric data in a network (fig. 1) that verifies the user (col. 9, lines 25-29) using at least one packet (col. 8, lines 51-54; col. 5, lines 32-33). However, Pare does not specifically disclose obtaining portions of the biometric information and transmitting them as packets. Barrett discloses a system of receiving biometric data in a network (figure 1; col. 2, lines 5-14). The system includes a memory that stores computer-readable code and a processor for executing the computer-readable code (col. 4, lines 66-67). The computer-readable code (col. 5, lines 49-54) is configured receive data packets that are interchanged from original packets (figure 4, items 60 and 64, and items 68

and 70; figure 10, step 122), integrate the received packets to generate original packets (items 72, 60 and 64), determine if the received packets provide sufficient data for processing (figure 10, step 130, NO), and process the received packets if they provide sufficient data for processing (figure 10, step 134). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to transmit biometric portions as packets in the invention of Pare in order to compensate for the loss of packets on the network (Barrett, col. 1, lines 29-33; col. 2, lines 5-8).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Harper whose telephone number is 571-272-3166. The examiner can normally be reached weekdays from 11:00 AM to 7:00 PM ET.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema S. Rao, can be reached at 571-272-3174. The centralized fax number for the Patent Office is 571-273-8300. For non-official communications, the examiner's personal fax number is 571-273-3166 and the examiner's e-mail address is kevin.harper@uspto.gov.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications associated with a customer number is available through Private PAIR only. For more information about the PAIR system, see portal.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kevin C. Harper

August 1, 2005

DANG TON
PRIMARY EXAMINER